



CAMBRIDGE HISTORICAL COMMISSION

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December 10, 2012

To: Robert Healy, City Manager

From: Charles Sullivan *CWS*

Re: Council Order #6 of Nov. 19, 2012 regarding possible advantages of preservation easements

There are two means of protecting individual properties in Cambridge: a) designation as a landmark by the City Council under Ch. 2.78, Article III of the City Code and b) donation of a preservation restriction (easement) by the owner under M.G.L. Ch. 184.

Landmark Designation

Designation of a building as a landmark originates with the Cambridge Historical Commission. Initiation of a landmark designation study protects a property for up to one year while the Commission prepares a recommendation to the City Council. Once enacted, landmark designation remains in effect until modified or terminated by the Council. A landmark may not be demolished or its publicly-visible exterior features altered without approval of the Cambridge Historical Commission. Uses and interior features are not affected by landmark designation.

Preservation Restrictions

A preservation restriction or easement is a "non-possessory right to control what happens to buildings or land owned by others." It is voluntarily conveyed by the property owner to a qualified body such as the Cambridge Historical Commission, which holds the right and enforces the terms. A preservation restriction protects a property from unauthorized alterations, demolition, or new construction. A preservation restriction may allow specific development opportunities to take place, or to protect significant interior features.

Comparative Advantages

Landmark designation is useful when a property is threatened with inappropriate alteration or demolition; owner consent is not required. A preservation restriction can be solicited by the Commission, but only the property owner can decide to grant one.

A preservation restriction may be advantageous to a property owner who wishes to protect specific interior features, control future uses, or dictate future development decisions. Owners of properties on the National Register of Historic Places may be eligible to take a Federal (but not State) charitable deduction for the value of the easement (calculated as the difference between the highest-and-best use and the restricted values of the property).

The City Council has designated 35 landmarks, while the Historical Commission holds 40 preservation restrictions. Other organizations (mainly the Massachusetts Historical Commission) hold restrictions on 14 properties. Information on the Cambridge Historical Commission's landmark and preservation restriction programs is available on the city's web site, <http://www2.cambridgema.gov/Historic/meetingsprocess.html>.